Mount Auburn.

1883.

ANNUAL REPORT

OF THE

TRUSTEES

OF THE

Cemetery of Mount Auburn,

TOGETHER WITH

THE REPORTS

OF THE

TREASURER AND SUPERINTENDENT.

JANUARY, 1883.

BOSTON:
ALFRED MUDGE & SON, PRINTERS,
No. 34 School Street.
1883.

OFFICERS OF THE CORPORATION FOR 1883.

Trustees.

HENRY A. RICE	*Term expires in*	1883.
ALANSON BIGELOW	" "	1883.
J. MONTGOMERY SEARS	" "	1884.
CHARLES F. CHOATE	" "	1884.
CHARLES U. COTTING	" "	1885.
DAVID R. WHITNEY	" "	1885.
ISRAEL M. SPELMAN	" "	1886.
JEROME JONES	" "	1886.
WILLIAM S. EATON	" "	1887.
ROGER WOLCOTT	" "	1887.
SAMUEL R. PAYSON	" "	1888.
T. QUINCY BROWNE	" "	1888.

President.

ISRAEL M. SPELMAN.

Treasurer.

H. B. MACKINTOSH.

Secretary pro tem.

H. B. MACKINTOSH.

Superintendent.

JAMES W. LOVERING.

Foreman.

C. McARTHUR.

Supt. of Interments.

EDWARD PATCHET.

Surveyor.

S. L. BROWN.

Gardener.

JOSEPH COLLINS.

Office of the Corporation.

16 PEMBERTON SQUARE,

BOSTON.

Office of the Superintendent.

AT THE CEMETERY.

P. O. ADDRESS, CAMBRIDGE, MASS.

Orders for work on lots may be given at either office, or sent by mail to Superintendent at the Cemetery.

REPORT.

NOTHING has occurred to vary the usual routine of the cemetery during the past year. The annual income and the receipts from sales have been adequate to meet all necessary requisitions, and leave a surplus for any extraordinary expenditures which may be deemed advisable in the future. The attention of the Trustees has been mainly directed, as heretofore, to the care and development of the cemetery.

The number of trees and shrubs set out has been larger than usual. Latterly we have been accustomed to plant yearly an average of two hundred and fifty trees and four hundred shrubs; but during the past year six hundred and forty-five trees and one thousand eight hundred and ninety-two shrubs have been set out. As the number of trees cut down on account of age, or interference with curbs, fences, and monuments, is usually about seventy-five, it is evident that the grounds are being gradually filled with trees of kinds suitable to the cemetery. The object sought is to place them so judiciously that while not interfering with each other, they may render a grateful shade in summer, and, as the season advances, adorn the grounds with the beauty of their autumnal foliage. Our ornamental shrubs and bushes also increase in number, and add their perennial beauty to the perishing glories of the summer flowers.

In the greenhouse department the old wooden heater and potting house was found to need so much repair that it was deemed best to erect a new structure. A one-story brick building with a substantial stone cellar has accordingly been built. It measures forty-two by eighteen feet, and besides the old heater, which was somewhat worn, contains a new one of more power, thus rendering the greenhouses safe against the vicissitudes of a severe winter.

In the grounds more than the average amount of labor has been spent in improving avenues and paths, in paving, and in constructing cesspools and drains. The banks of Forest Pond have been regraded and improved. Considerable work has been done in Ivy Path and in Consecration Dell, where several valuable lots have been laid out, and the grades of the paths much improved. To prevent accidents, a neat iron railing, supported on stone posts, has been placed on the precipitous side of Rose Path, rendering the passage much more secure than formerly. Grading has also been commenced on the Chant lot, so called; and the whole of the territory known formerly as the Stone Farm is now rapidly coming into use. We seem, therefore, to be assured of an ample supply of lots for many years to come, especially as the older parts of the cemetery are by no means filled up, and many of our choicest lots may still be found there unoccupied on Fountain Avenue, and the banks of Halcyon Lake and its vicinity.

Iron fences are gradually disappearing; sixty-four have been removed during the past year, two more than in the previous year. Few proprietors seem inclined to make repairs and renewals, but prefer to remove the fences entirely as they become dilapidated. It may be as well in this connection to state that granite copings and iron fences are removed without expense to proprietors, who are credited with any excess over the cost of removal.

No subject can have greater interest for the proprietors than the means of providing for the perpetual care and preservation of their lots. In the appendix of the report for the year 1878 much valuable information was given in regard to this matter, and this information with some slight additions is reprinted in the appendix of this report, to which the attention of proprietors is again called. The Repair Fund, devoted to this purpose, it will be seen, is steadily growing, and about nine hundred proprietors have already availed themselves of its advantages. The Trustees cannot too highly recommend to all interested in the cemetery to make provision for the future care of their lots, either by will, or during their lifetime.

The Permanent Fund, which is intended to provide for the general

care of the cemetery after all lots shall have been sold, now amounts to $233,294.39, showing an increase of $7,517.00 during the past year.

The Repair Fund, devoted to the care and preservation of the lots, has been increased by $42,989.76, and now amounts to $345,562.11.

The General Fund, applicable to current expenses, exhibits a gain of $6,074.40, the cash and cash assets amounting to $18,182.19.

For the Trustees,

ISRAEL M. SPELMAN,

President.

SUPERINTENDENT'S REPORT.

To the Trustees of the Cemetery of Mount Auburn:

GENTLEMEN, — I have the honor to present herewith the Annual Report of the Superintendent for the year ending Dec. 31, 1882.

IMPROVEMENTS.

Number of new lots graded and bounded with granite posts	65
" old lots improved by being graded and sodded	50
" old lots bounded with granite posts	2
" lots enclosed with granite	1
" lots furnished with granite or iron numbers	124
" tombs removed	1
" headstones erected	319
" monuments erected	34
" linear feet of gutters repaved	1 890
" iron fences removed	64
" hedges removed	1

INTERMENT RECORD.

Total number of interments, as per last Report		23,191
Number of original interments for the year ending Dec. 31, 1882	477	
" removals from other cemeteries	73	
Total number of interments for the year		550
Total number of interments in cemetery		23,741
Of the above there were deposited in the receiving-tomb	29	
" " " " interments in public lots	31	

THE REMOVALS WITHIN AND FROM THE CEMETERY WERE AS FOLLOWS: —

To public lots	2	
To private lots	61	
Total removals within the cemetery		63
" " from the cemetery		16
Total number of removals		79

Respectfully submitted,

J. W. LOVERING,

Superintendent of the Cemetery of Mount Auburn.

MOUNT AUBURN, Dec. 31, 1882.

TREASURER'S REPORT.

RECEIPTS.

Cash balance from preceding year			$6,302.59
He has received from sundry parties, —			
For sale of lots	$19,798.89		
" deposits in receiving-tomb	538.00		
		$20,336.89	
For deeds, transfers, etc.		210.00	
" labor and material on lots		44,508.74	
From Massachusetts Hospital Life Insurance Company, for income on permanent fund		8,000.00	
From Massachusetts Horticultural Society, for one quarter part of expenditures, as follows: —			
Grading Pearl to Eagle Avenue	$2,090 13		
" Swan to Magnolia Avenue	78.75		
" Ivy Path	534.50		
" Chant Lot	365.25		
One quarter of	$3,068.63	767.16	73,822.79
			$80,125 38

FOR THE 51ST YEAR, 1882.

EXPENDITURES.

He has paid sundry parties, —			
For labor, pay-roll	$35,053 98		
" materials	11,752 01		
" repairs of buildings and fences	1,614.65		
		$48,420.64	
For expenses, — salaries		6,489.31	
" office expenses		1,590.75	
" taxes on real estate		647.00	
" insurance		415.75	
To amount paid Massachusetts Horticultural Society for its proportion of sales		4,721.97	
To amount paid Massachusetts Hospital Life Insurance Company for permanent fund		6,531 46	
To graves purchased	$10 00		
" new receiving-tomb drawback	39.00		
		49 00	
			$68,865.88
Balance in hands of the Treasurer			11,259.50
			$80,125 38

RECEIPTS AND EXPENDITURES OF THE REPAIR FUND.

Balance in hands of Treasurer, as per last report		$12,562 35
He has received, —		
From notes receivable	$15,700.00	
" endowments	38.590.25	
" income of investments	18,371 55	
		72 661 80
		$85,224.15
He has paid for said account, —		
For care and improvement of lots	$13,972.04	
" notes receivable	65,800.00	
		$79,772.04
Balance in hands of Treasurer		5,452.11
		$85,224.15

REPAIR FUND.

PROPERTY.

Endowments for perpetual repair of lots, as per last report,	$302,572.35	
Additions during the year	42.989.76	
		$345,562.11
Invested as follows, —		
Notes receivable, secured by mortgage	$322,300.00	
$10,000 Boston City bonds	9,710 00	
30 shares Atlas National Bank, cost	2 970 00	
20 shares Atlantic National Bank, cost	2,700.00	
20 shares Shawmut Bank, cost	2,430.00	
		$340.110.00
Cash in hands of Treasurer		5,452.11
		$345,562.11

GENERAL FUND.

CASH ASSETS.

Cash in hands of Treasurer		$11,259.50
Bills for labor and material uncollected	$9,056.68	
Less due sundry parties for labor and material	2,133.99	
		6,922.69
		$18,182.19

PERMANENT FUND.

Deposited with Massachusetts Hospital Life Insurance Company, as per last report		$225,777.39
Deposited in December, 1882	$6,531.46	
Interest	985.54	
		7,517.00
		$233,294.39

Also a deposit in trust with Massachusetts Hospital Life Insurance Company, Policy No. 3,594, for $6,300, payable on the decease of certain parties to the Proprietors of the Cemetery of Mount Auburn, for perpetual care of a certain lot.

THE OTHER PROPERTY OF THE CORPORATION

Consists of nearly 136 acres of cemetery grounds, with avenues and paths, waterworks for the supply of fountains and watering purposes, and underground pipes and drains, chapel and statuary, observatory, receiving-tomb, gateway, and other structures; reception-house and 5,626 feet of land on Mount Auburn Street, Superintendent's house, green-houses, and 64,176 feet between Brattle and Mount Auburn Streets, and the Stone meadow on the east side of Coolidge Avenue, containing about five acres, on which are located the stables and other buildings.

Respectfully submitted,

H. B. MACKINTOSH, *Treasurer.*

BOSTON, Jan. 1, 1883.

This certifies that we have examined the books and accounts of the Treasurer of the Proprietors of the Cemetery of Mount Auburn for the year eighteen hundred and eighty-two, and have found them correctly kept and properly balanced, with satisfactory vouchers for all payments.

The certificates of stock and other evidences of property were found in accordance with the statements of his accounts.

In the general account there appears to be a balance in the hands of the Treasurer of $11,259.50, and in the fund for repairs, $5,452.11.

T. QUINCY BROWNE,
HENRY A. RICE, } *Committee on Finance.*

BOSTON, Jan. 8, 1883.

APPENDIX.

TITLES TO LOTS.

INFORMATION.

THE following statement is presented in answer to the question frequently asked in regard to the title to a lot when the proprietor dies.

By the original act of incorporation, lots are held as real estate. The proprietor can convey, or by will devise, his lot; but if he dies intestate, it descends to his heirs-at-law, who are (Chap. 220, Acts of 1876):—

Title to lot held as real estate.

If proprietor dies intestate.

Heirs-at-law.

1. Children, and issue of any deceased child.
2. If no issue, then his or her father and mother.
3. If no issue nor mother, then his or her father.
4. If no issue nor father, then his or her mother.
5. If no issue, and no father nor mother, then his or her brothers and sisters, and children of any deceased brother or sister.
6. If no issue, and no father, mother, brother, nor sister, then next of kin.
7. If a widow and no kindred, then the widow.*

Except as provided by 7, the widow has *no title* to a lot; and, unless the heirs-at-law convey it to her, she cannot order interments.

Widow no title or right to lot.

If a proprietor in his will makes no devise of the lot, it becomes a part of the residuary estate; or if not devised, and no bequest of residue, it descends to heirs-at-law.

Provisions of will.

* See note on next page.

Representative to be designated.

Chap. 28, Sect. 3, General Statutes, and Sect. 8 of Charter, provide, "If there be more than one devisee or heir-at-law, the Board of Trustees may designate which one shall represent the lot."

Representative no control over title.

The designation *does not affect the title.* They (the heirs or devisees) are tenants in common; no sale can be made unless all sign conveyance.

Petition for representative. Importance of prompt return.

It is IMPORTANT that the petition for representative (furnished by the secretary) should be PROMPTLY returned with the names and residences of the heirs, and signed by a *majority:* otherwise delays may occur at the cemetery in ascertaining whether the order for interment is properly signed.

Lots indivisible. No record of part ownership.

Lots are *indivisible*, and "no record of any person's interest in a lot, less than the entire ownership, shall be made on the books of the corporation." (Rules and Regulation, Art. VII.)

H. B. MACKINTOSH,
Secretary pro tem.

JANUARY, 1883.

NOTE. — At the session of the Legislature in 1874, the Senate Committee on Probate and Chancery, to whom was referred the bill relating to rights of widows in cemetery lots, reported that the bill ought to pass. The bill was as follows: Chap. 28, Sect. 3, of the General Statutes, is hereby amended by inserting after the word "privilege" the words "and if he shall leave a widow, she shall, for the purposes of this act, be construed one of the heirs-at law, or one of the devisees of said lot, as the case may be." The bill did not become a law.

1874. A bill relating to rights of widows in cemetery lots favorably reported did not become a law.

PERPETUAL REPAIR OF LOTS.

It is provided by Art. VIII. of the By-Laws as follows: —

Donation in Trust. — "The Trustees may receive in trust from a Proprietor any sum of money, the *income* of which shall be appropriated to the repair of his lot, according to the terms of trust expressed in the form provided."

Perpetual Repair, with Guaranty. — "The Trustees may also guarantee the *perpetual* repair of lots, upon the payment of such a sum as the Committee on Lots shall deem sufficient for that purpose, a form for which is also provided.

"All such sums shall collectively constitute a separate fund, called the 'Repair Fund,' and shall be invested in some public stock of this State, or of the National Government, or in the stock of some bank or banks of this State, or in notes secured by a sufficient collateral pledge of stocks in this State, or mortgage on real estate in Boston.

"Each lot in relation to which such a contract shall have been made shall be credited in a book kept for the purpose, with the principal sum paid on account of said lot; and at the close of each year a ratable proportion of the net income of the whole repair fund shall be carried to its credit in conformity with the terms of said contracts."

Reconveyance in Trust. — "A Proprietor who shall have contracted with the corporation for the care and preservation of his lot forever, desiring to place the same in perpetual trust, for the purpose of restricting the right of burial, or for any other legitimate object, may, with the consent of the Committee on Lots, reconvey such lot to the corporation, to hold the same forever, for the uses and trusts

expressed in his deed of reconveyance; reserving to himself, and to such as may be beneficiaries thereunder, the right of admission, and such supervision as may not be inconsistent with the rights which have vested in the corporation."

Annexed to the GUARANTY CONTRACT is a report by the Superintendent, with drawings, describing in detail the condition of the lot and structures thereon. The amount deposited is an *insurance* FOREVER that the lot and its belongings shall always be maintained in the condition shown in the report, which is made the basis of the contract.

To cover all the contingencies of the near and remote future, a sum is fixed, the income of which will be sufficient to provide for the care of the grass, including resodding, and the repair and renewal of such tomb, curb, monument, or headstone, as shown in Superintendent's report.

If any monument or headstones are added subsequent to the contract, they can be covered in the same manner.

After a contract for perpetual repair, with *guaranty*, has been made, the lot may be reconveyed to the corporation, *in trust*, naming in the deed the persons thereafter to be interred. The *title* to the lot being thus vested in the corporation, a *perfect security* is given that the wishes of the proprietor will be carried out.

Under the contract for DONATION IN TRUST, the *income* of any sum deposited is applied to the care and preservation of the lot.

The necessary forms for provision by will for the above are given herewith.

J. W. LOVERING,
Superintendent.

CEMETERY OF MOUNT AUBURN.

FORM FOR CLAUSE IN WILL TO BEQUEATH MONEY FOR "PERPETUAL REPAIR, WITH GUARANTY," OF LOT.

I hereby direct my executors to pay to the Proprietors of the Cemetery of Mount Auburn such sum of money as may be found necessary to obtain from said corporation a contract for the Perpetual Repair, with Guaranty, of my Lot, No. on the way called in said cemetery.

FORM FOR CLAUSE IN WILL DIRECTING "RECONVEYANCE OF LOT TO CORPORATION, IN TRUST."

[*Reconveyance is only accepted after a Contract for Perpetual Repair, with Guaranty, has been made.*]

I hereby authorize and empower my executors to reconvey my Lot, No. , in trust, to the Proprietors of the Cemetery of Mount Auburn, in consideration of the Contract of Perpetual Repair, with Guaranty, for the purpose of securing it as a burial-place for myself and the following persons:

and no other interments to be allowed.

PRICES FOR THE CARE OF LOTS,

ADOPTED BY THE TRUSTEES

FOR 1883.

SIZE OF LOT.	CARE.	TOP-DRESSING.
100 square feet.	$1.50	$1.00
200 " "	2.00	1.50
300 " "	3.00	2.00
400 " "	4.00	2.50
500 " "	5.00	3.00
600 " "	6.00	3.50
700 " "	7.00	4.00
800 " "	8.00	4.50

Larger lots at special rates.

Lots containing fractional parts of 100 feet will be charged the rate of the nearest 100 feet.

Proprietors will find blank order below, which they can fill and mail to Superintendent, Cambridge. ☞ *Erase what is not wanted.*

Estimates for grading and sodding, and repairs on Lots, including cleaning Monuments and Headstones, will be furnished to proprietors on application, personally or by letter, at Superintendent's office, Cambridge. Iron fences and granite copings removed without expense to proprietors, who will be credited with any excess over cost of removal.

To the Superintendent of Mount Auburn Cemetery,

Cambridge, Mass.

Please take care of my Lot, No. ....., *this year,*

and put in.....*plants, and top-dress,*

Sending bill to

.....

Address,.....

.....1883.

Proprietors of the Cemetery of Mount Auburn.

Office of the Corporation, 16 Pemberton Square.

BOSTON, Jan. 26, 1883.

The Annual Meeting of the Proprietors of the Cemetery of Mount Auburn will be held at the Horticultural Hall, Tremont Street, Boston, on Monday, Feb. 5, at 3½ o'clock, P. M., to hear the Annual Reports, choose Trustees, and transact any other business that may legally come before the meeting.

H. B. MACKINTOSH, Secretary pro tem.